

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

DAFINA ROTER VELYOV,

Plaintiff,

-vs-

Case No. 14-C-0071

**FRONTIER AIRLINES, INC. and
REPUBLIC AIRWAYS HOLDINGS INC.,**

Defendants.

DECISION AND ORDER

On October 14, 2014, Frontier Airlines, Inc. and Republic Airways Holdings, Inc. (collectively the “Defendants”) filed a motion for summary judgment (ECF No. 32) seeking dismissal of the then-remaining claims under the Family and Medical Leave Act (“FMLA”) and the Wisconsin Fair Employment Act (“WFEA”)¹ in this action brought by pro se Plaintiff Dafina Roter Velyov (“Roter”). The Defendants’ certificates of service indicate that the papers were sent to Roter by first-class mail.

To date, Roter has not filed any response to the summary judgment motion, and the time allotted by this District’s Civil Local Rule 56(b)(2) for

¹ On October 16, 2014, the Court issued a Decision and Order (ECF No. 36) granting the Defendants’ motion for partial judgment on the pleadings dismissing Roter’s WFEA claim.

filing the response has passed. Roter filed a late response to the Defendants' previous motion for judgment on the pleadings and was advised that it was within the Court's discretion to grant the motion due to her failure to meet the deadline. However, based on the circumstances the Court instead admonished Roter that in the future she would be required to comply with all federal and local rules. Again, the Court is faced with her failure to file a timely response.

In an exercise of its discretion, the Court will extend the time for Roter to file any response to the Defendants' summary judgment motion. Roter must file her response no later than January 15, 2015. Roter is advised that if she fails to properly address the Defendants' proposed findings of fact, the Court may consider the fact(s) undisputed for purposes of the motion and/or grant the summary judgment motion. *See* Fed. R. Civ. P. 56(e)(2)-(3); Civ. L.R. 56(b)(4) (E.D. Wis.). Rotor is further advised that if she does not file any response to the motion, the Court may dismiss the action for failure to prosecute "with or without prejudice." *See* Civ. L.R. 41(c).

**NOW, THEREFORE, BASED ON THE FOREGOING, IT IS
HEREBY ORDERED THAT:**

Roter **MUST FILE** her response to the Defendants' summary judgment motion **no later than January 15, 2015.**

Dated at Milwaukee, Wisconsin, this 4th day of December, 2014.

BY THE COURT:


HON. RUDOLPH T. RANDA
U.S. District Judge